

MINUTES

CITY PLAN COMMISSION/ARCHITECTURAL REVIEW BOARD

AUGUST 4, 2008

The City Plan Commission/Architectural Review Board of the City of Clayton, Missouri, met upon the above date at 5:30 p.m., Chairman Harold Sanger presiding. Upon roll call, the following responded:

Present:

Chairman Harold Sanger
Steve Lichtenfeld, Aldermanic Representative
Craig Owens, City Manager
Jim Liberman
Marc Lopata
Scott Wilson
Ron Reim

Absent:

None

Also Present:

Kevin O'Keefe, City Attorney
Catherine Powers, Director of Planning & Development Services
Jason Jaggi, Planner

Chairman Sanger welcomed everyone to the meeting and asked that conversations not take place during the meeting and that all cell phone and pager ringers be turned off.

MINUTES

The minutes of the regular meeting of July 21st, 2008 were presented for approval. The minutes were approved, after having been previously distributed to each member.

REVISED LANDSCAPE PLAN – WASHINGTON UNIVERSITY SOUTH 40 PHASE

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Mr. Richard Kirschner, project architect, was in attendance at the meeting.

Catherine Powers explained that on May 19, 2008, the Plan Commission approved the site plan for two new dormitories, a new dining hall and a chiller plant on the Washington University South 40 Campus. At the time, the landscape plan was approved with the

removal of 1,292-caliper inches of trees, 153.5-caliper inches of trees to be relocated, and 351-inches of new replacement trees. Conditions were placed on the approval of the project that the applicant pay into the forestry fund for caliper inches not replaced or relocated and that a bond be furnished to ensure the survivability of the relocated and newly planted trees. The South 40 site has undergone extensive construction activity associated with the utility and site work for the new buildings. This activity has resulted in the need to make several adjustments to the landscape plan. The City's contracted landscape architect has made several site inspections in association with tree protection, relocation of trees and tree removal. Based on these visits, an arborist hired by the contractor recommended additional tree remediation measures in association with the site work. The revised landscape plan submitted by the University's architect reflects the recommendations made by the City's contracted landscape architect, the consulting arborist hired by the University, and the project landscape architect. Due to the scope of the revisions and the size of the project itself, staff has referred this request to the Plan Commission. The revised landscape plan provides a phased approach which coordinates with the construction activity on the site. The revised plan shows a total of 98 trees, 1,416 caliper inches, to be removed on the site. A total of 31 trees, 113 caliper inches are to be relocated on site. A total of 178 new deciduous trees representing 499 caliper inches are proposed to be planted on site. In addition, 13 evergreens are proposed. The revised plan also shows additional plantings around the chiller plant to satisfy the previous Plan Commission condition of approval. In this effort, the University solicited the assistance of Ms. Sally Cohn, a Skinker Terrace neighbor. Catherine advised that there has been significant site disturbance to date resulting in the need to thoroughly revise the landscape plan. Staff believes the revised plan is representative of the actual site conditions. Tree protection measures are in place and the contractor has remediated the impact to the affected trees. In addition, the University has enlisted the services of a landscape architect to oversee tree and landscape issues on the site. Due to the revised plan, the bond amount and the tree caliper deficiency payment should be adjusted accordingly. Staff recommends that the sum of the relocated trees, newly planted trees, and the 404-inches of impacted trees which have received mitigation by the arborist be bonded to ensure their survivability. In consideration of these trees, the landscape bond should be adjusted from \$60,540 (as previously approved) to \$121,920, calculated at \$120 per inch. In addition, staff recommends that the City's contracted landscape architect perform periodic site visits, at the expense of the applicant, to ensure compliance with the City's tree protection standards. Catherine stated that staff recommends approval of the revised landscape plan with the following conditions:

1. That the project be carried out in accordance with this revised landscape plan and that any future revisions be approved by staff unless they are deemed substantial,
2. That the City's tree protection standards be followed at all times,
3. That the University relocate trees designated on the revised plan at the direction of the City's contracted landscape architect,

4. That the City's contracted landscape architect perform site inspections, to be reimbursed by the University, as necessary to verify compliance with approved plans but no less than after the trees are staked and upon installation of the new plantings, and after one year of plantings,
5. That the applicant contribute to the City's Forestry fund in the amount equal to \$120 per caliper inch of trees not replaced prior to receiving a building permit,
6. That a bond in the amount of \$121,920 be provided for a period of one-year after completion of Phase 6 and occupancy permits are issued to ensure survivability of the relocated newly planted trees, and remediated trees; and,
7. That a staging area be designated and approved by staff prior to building permit issuance.

Mr. Kirschner indicated that a short PowerPoint presentation has been prepared to better describe the revised landscape plan. He stated that trees are being or have been removed for three reasons: 1) widening of the fire lane; 2) trees originally slated for relocation are now being replaced, and 3) site activity work (utility relocation). A slide depicting the project site was presented as well as a photo of the three large trees that have been suggested for removal. Mr. Kirschner advised the members that he has met with Ms. Sally Cohen about the landscaping. He indicated that the bulk of the work is in the interior of the campus. A slide depicting the locations of the new trees was shown. He stated that 40 new trees will be planted along Wydown, some along Big Bend and some in the interior of the campus.

Jim Liberman voiced his concern that during the last presentation, it was indicated that there was no place to put the displaced trees and now, it seems, locations for new trees are available.

Mr. Kirschner indicated that several of the new trees are being planted in the locations where relocated trees previously were going to be planted.

Ron Reim asked if it is a bad time of year to re-locate trees.

Mr. Kirschner replied "yes".

Marc Lopata asked what happens to the seasonal replacement trees.

Mr. Kirschner stated that those trees are not being relocated as originally intended, so they are being removed.

Marc Lopata commented that it is a shame to waste those trees. He asked if they would not live if transplanted now.

Mr. Hunter Beckham with SWT Design (landscaping consultant for Wash U) stated that the schedule will not allow the trees slated to be relocated to be relocated. He indicated that most of these trees range from 3 caliper inches to 1 ½ caliper inches and that he recommends transplanting trees during the spring and fall seasons. He agreed that it is a shame to lose those trees. He indicated that a lot of Silver Maples were removed, which species is not recommended for a campus setting.

Marc Lopata asked if Oak trees are being relocated.

Mr. Beckham indicated that a variety of trees are being relocated, oaks included.

Marc Lopata asked if the University would attempt to relocate the trees to see if they survive.

Mr. Beckham stated that he would not recommend that as these are small and that it makes more sense to replace them rather than trying to relocate them.

Marc Lopata asked how the University feels about turning all these trees into mulch and asked if they would consider relocating them and replacing them only if they do not survive.

Chairman Sanger asked what the City's arborist's view is on this.

Jason Jaggi advised the members that the City's landscape architect feels it best to replace them as they are small and a common species rather than trying to relocate them in the middle of summer. He indicated that the plans do include relocating trees in the fall (next phase of the project), but that for trees that need removal now, it is best to plant new ones.

Being no further questions or comments, Steve Lichtenfeld made a motion to approve per staff recommendations. The motion was seconded by Jim Liberman and unanimously approved by the members.

REVISED LANDSCAPE PLAN – NEW CONSTRUCTION – SINGLE FAMILY RESIDENCE – 8128 STRATFORD

Mr. Paul Prifti, contractor, was in attendance at the meeting. The owners/purchasers were also in attendance.

Catherine Powers explained that on March 5, 2007, the Plan Commission approved a new single family residence at the subject location. At the time, the landscape plan was approved with the removal of 115-caliper inches of trees, 194-caliper inches of trees to remain and 105-inches of new replacement trees. An 11-inch tree was in poor condition and was not required to be replaced. The total required caliper replacement was 104-inches. Several of the trees have recently been removed not in accordance with the approved plan; therefore, the applicant is requesting approval of a revised landscape plan.

Catherine Powers went on to explain that the revised plan shows six trees to be removed from the site, all of which were originally to remain and to be protected during construction, many of which have already been removed. One of the trees was removed at the request of a neighbor and after an apparent recommendation by an Arborist. The revised landscape plan also indicates that an additional tree is to be removed based on a request by Ameren. After a conversation with the applicant, this tree is in fact still on the site and the applicant would like it to remain. Because these trees are evergreens, caliper inch replacement is not required. A total of three deciduous trees representing 23 caliper inches were removed that the original landscape plan showed would remain. Therefore, according to the revised plan, a total of 13 trees representing 132 caliper inches will be or have been removed from the site. The revised landscape plan shows a total of 143 caliper inches of new trees is proposed for the site. With the adjusted tree removal, the applicant's landscape plan now meets caliper inch replacement. Three street trees, a large 36-inch deciduous tree, a 27-inch Pine tree in the back yard, and a smaller deciduous tree also in the back yard will remain. These changes should be clearly indicated on a revised landscape plan. Catherine indicated that several of these trees were removed from the site prior to receiving approval of a revised landscape plan. The revised landscape plan meets the caliper inch removal requirements; however, staff recommends that if the pine tree in the rear yard remains that it be pruned so that the limbs are not in conflict with the overhead lines and therefore, recommends approval with the condition that a final revised landscape plan be submitted to staff with the following conditions:

1. That the rear yard pine tree (Tree #17) be shown as to remain and be pruned so that the limbs are not in conflict with the overhead lines,
2. That the tree schedule be shown on the landscape plan which accurately depicts the tree types and status of all trees to remain.

Mr. Prifti stated that the plans are self-explanatory and asked if there were any questions. He commented that a couple of trees were lost during construction and now more replacement trees are being proposed for the site.

Chairman Sanger asked if Ameren UE is asking for removal of the tree due to the overhead lines.

Mr. Prifti stated that such a decision is between the City and Ameren.

Catherine Powers disagreed. She stated that the negotiation is between the homeowner and Ameren and that this tree may not be able to be pruned.

Jim Liberman indicated that this is a bit confusing.

Marc Lopata asked is Tree No. 17 is still on site.

Mr. Prifti replied "yes".

Chairman Sanger indicated that a Stop Work Order was issued for this project.

Marc Lopata asked if there is a purchaser for this home.

Mr. Prifti indicated that the homeowners are in attendance this evening.

Ms. Susan Collins, 8124 Stratford, stated that the trees in the rear yard were not cared for for many years. She asked staff to encourage Ameren UE to prune the tree. She added that construction has not been a problem for her and that Mr. Prifti has been very accommodating and she has no complaints.

Marc Lopata asked how close the 36" tree was to the original structure.

Mr. Prifti indicated that it was far enough away from the house.

Marc Lopata asked if more trees are being planted than are being removed.

Jason Jaggi and Paul Prifti replied "yes".

Chairman Sanger suggested that the motion include a condition that a negotiation be made between the owner and Ameren regarding the tree conflicting with the overhead lines.

Being no further questions or comments, Steve Lichtenfeld made a motion to approve per staff recommendation No. 2 and that the owner and Ameren negotiate tree #17. The motion was seconded by Scott Wilson and unanimously approved by the members.

OUTDOOR DINING – STRATTON'S CAFÉ – 176 CARONDELET PLAZA

Mr. Benjamin Stratton, restaurant owner, was in attendance at the meeting.

Catherine Powers explained that the applicant is proposing to operate outdoor dining on the sidewalk fronting Carondelet Plaza. The submitted plans indicate four tables which will seat 16 patrons. Four tables will be placed against the storefront, with three of them between the two entrances. A fourth table is proposed on the easternmost portion of the property. Two planters are proposed to be located on the edges of the east and west lease lines. The tables and chairs are black metal, with black plastic inserts. Table sizes proposed are 36-inch round tables seating four patrons. No pedestrian barriers are shown on plans. The applicant has proposed a limited outdoor dining operation. Staff is of the opinion that the sidewalk in front of Stratton's is wide enough to provide room for dining and pedestrian clearance; however pedestrian barriers should be added providing a 4-foot minimum pedestrian clearance. These barriers should be constructed of black aluminum, to correspond with like areas and furniture. In addition, proposed planters must be moved within pedestrian barriers. Staff recommends approval with the following conditions:

1. That the applicant revise the outdoor seating plan to include pedestrian barriers around all tables and chairs,
2. That a 4-foot minimum pedestrian clearance be provided at all times,
3. That the planters be relocated within the pedestrian barriers, and
4. That the applicant applies for the annual Outdoor Dining Permit with a revised plan showing the above conditions prior to operating the outdoor dining.

Mr. Stratton presented a site plan to the members, depicting the tables and now proposed pedestrian barriers. He stated the barriers are placed so as to provide a 5 foot pedestrian clearance. He advised the members that the Plaza does not want him to attach the barriers to the building and he cannot attach the barriers to the sidewalk. He stated he realizes that the City prefers aluminum but requests the use of a powder coated wrought iron.

Jason Jaggi indicated that the weight of aluminum has been an issue in the past. He stated that steel will rust.

Catherine Powers indicated that aluminum barriers will have to be weighted or they will have to go with steel.

Chairman Sanger asked about the planters.

Catherine Powers indicated that several years ago, planters were removed from the outdoor dining standards because of the problems caused with them (used as ashtrays, trash, etc.).

Marc Lopata suggested the use of lead on top of an aluminum base.

Jason Jaggi suggested that Mr. Stratton work with the Public Works Department.

Steve Lichtenfeld commented that on the opposite side of the street there are two establishments with outdoor dining that do not have barriers.

Jason Jaggi concurred. He stated that is the only area (The Crescent) without barriers due to the wide walkway and expanded area for outdoor dining. He stated that the subject site has a narrower sidewalk/dining area.

Jim Liberman commented that if the barriers are not secured/nailed down, they tend to “walk” all over the place.

Jason Jaggi agreed.

Jim Liberman suggested eliminating the barrier for this establishment.

Steve Lichtenfeld agreed. He asked if consideration could be given to approval without the use of barriers with a re-review in one year.

Catherine Powers indicated that would be acceptable for this proposal, but that barriers have to be present for outdoor dining along Central and Maryland Avenues as tables tend to multiply along those streets.

Being no further questions or comments, Jim Liberman made a motion to approve per staff recommendations numbers 2 and 4.

Catherine Powers voiced staff concern that the planters may set a precedent for the Central Business District.

Chairman Sanger asked if staff would prefer that the planters be eliminated if there are no barriers.

Steve Lichtenfeld suggested centering the planters so they align with the center of the round tables (no further out).

Marc Lopata asked if one of the planters would be out of the leased area.

Mr. Stratton replied “yes”; but he could locate them so they are all within the leased area.

Jim Liberman’s earlier motion to approve with staff recommendations 2 and 4 was amended to include that the planters be located within the leased area and as Steve Lichtenfeld suggested. The motion was seconded by Marc Lopata and unanimously approved by the Board.

Marc Lopata referred to a previous e-mail he sent out regarding the City’s tree replacement policy. He indicated that \$120/caliper inch lost is not reasonable as it is cheaper for a developer to remove a tree than to reduce the size of the project.

Catherine Powers indicated that the Planning & Public Works Departments developed the tree caliper replacement fee, which, at the time seemed appropriate. She indicated that the fees can be reconsidered.

Chairman Sanger asked who takes care of the program.

Catherine Powers indicated that for trees on private property, the Planning Department oversees that issue, but for trees on public right-of-way, Public Works is in charge.

Chairman Sanger asked staff to determine what other cities do with regard to tree loss.

Catherine Powers advised the members that Washington University just submitted a check for tree caliper deficiency in the amount of \$110,000.00.

Marc Lopata commented that for every 1 caliper inch tree loss, a developer can construct 40 square feet of building at approximately \$150 per square foot of value.

Kevin O'Keefe indicated that these types of fees are complicated by the Hancock Amendment.

Jim Liberman asked about the Trianon and Retail Village projects.

Chairman Sanger indicated that Mr. Mehlman (Retail Village project) has no tenants for the project as of yet.

Catherine Powers indicated that representatives for the Trianon project have indicated that they hope to break ground in October, but that they are looking for financial assistance from the City.

Chairman Sanger asked about Enterprise.

Catherine Powers indicated that there is no recent news; however, there is a possible swap with Montgomery Bank.

Steve Lichtenfeld commented that the County is considering moving their Family Court and turning that building into taxable space.

Being no further business for the Plan Commission/Architectural Review Board, this meeting adjourned at 6:35 p.m.

Recording Secretary